

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

INDEPENDENCE BANK,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, *et al.*,

Defendants.

Case No. 23-cv-00447-JJM-PAS

JOINT MOTION FOR ENTRY OF A STIPULATED SCHEDULING ORDER

Plaintiff Independence Bank (“IB,” the “Bank,” or “Plaintiff”) and defendant Federal Deposit Insurance Corporation, in its corporate capacity (“FDIC”), hereby submit to the Court this Joint Motion for Entry of a Stipulated Scheduling Order.¹

This is a record review case under the Administrative Procedure Act (“APA”), which will be decided via dispositive motions under the administrative record. Counsel for IB and FDIC have conferred and reached agreement and the following proposed schedule, which would further the parties’ goals of efficiently and expeditiously obtaining resolution of this case:

- The FDIC shall file with this court a table of contents of the administrative record, with Bates numbers, by **April 1, 2024**. FDIC shall simultaneously provide IB with the complete administrative record, assuming an appropriate protective order concerning confidentiality has been entered.
- Plaintiff’s motion for summary judgment due by **May 15, 2024**.
- FDIC’s Opposition and Cross Motion due by **June 5, 2024**.
- Plaintiff’s Reply and Opposition to the Cross Motion due by **June 28, 2024**.

¹ Defendant Rhode Island Department of Business Regulations, who has moved to dismiss all claims against it, has no objections to the stipulated schedule concerning IB and FDIC.

- FDIC's Cross Reply due by **July 19, 2024**.
- FDIC and IB shall work together to provide the Court with a joint appendix of relevant portions of the administrative record by **August 2, 2024**.

CONCLUSION

For the foregoing reasons, FDIC and IB respectfully request that the Court enter this proposed schedule.

FEDERAL DEPOSIT INSURANCE
CORPORATION,

By Their Attorneys,

/s/ Erik Bond

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Dated: February 28, 2024

INDEPENDENCE BANK,

By Their Attorneys,

/s/ Travis J. McDermott

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Dated: February 28, 2024

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 28, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system.

/s/ Erik Bond

ERIK BOND, NYS Bar No. 4316030
Counsel, FDIC Corporate Litigation Unit